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NO. 99-1667

IN THE
SUPREME COURT OF THE UNITED STATES

MADISON ANDERSON, PETITIONER,
v.

MERLL JOHNSON, UNITED STATES POSTAL SERVICE,
WAYNE COUNTY CIRCUIT COURT AND
WAYNE COUNTY FRIEND OF THE COURT,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RESPONDENTS WAYNE COUNTY CIRCUIT COURT AND WAYNE COUNTY FRIEND OF THE COURT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

Whether the district court had subject matter jurisdiction over the Complaint that was filed by the Petitioner in federal court, where Petitioner's Complaint alleged that the judgment of the highest court of the State of Michigan concerning the entry of a Default Judgment and Order of Filiation against Petitioner was erroneous and sought to obtain relief from the State court judgment in federal court?

Petitioner answers: "Yes"

Respondents answer: "No"

Whether the district court had subject matter jurisdiction over the Complaint that was filed by the Petitioner in federal court, when the allegations in Petitioner's Complaint were inextricably intertwined with the allegations that Petitioner had previously asserted in State court and where the highest court in the State of Michigan had entered a judgment against Petitioner?

Petitioner answers: "Yes"

Respondents answer: "No"

Whether a federal district court has subject matter jurisdiction to review a decision of a State court, where the State court action was decided on the merits, the issues raised in the federal action either were raised or could have been raised by reasonable diligence in the State court proceeding and both the State and federal actions involved the same parties?

Petitioner answers: "Yes"

Respondents answer: "No"

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I. STATEMENT OF THE CASE

Petitioner Madison Anderson ("Petitioner"), proceeding *pro se*, appeals from the decision of the United States Court of Appeals for the Sixth Circuit affirming the dismissal of Petitioner's Complaint. The instant Petition represents Petitioner's **third** Petition for Writ of Certiorari before this Court, all of which relate to a Default Judgment and Order of Filiation that was entered against him by the highest state court in Michigan. In this regard, the procedural history and factual background of the instant Petition, which are very significant, are as follows:

On June 7, 1988, Respondent Merll Johnson ("Ms. Johnson") filed a paternity action against Petitioner with Respondents Wayne County Circuit Court and Wayne County Friend of the Court ("Respondents") and as a result, Petitioner was served with the complaint and proof of service was filed with Respondents. Petitioner did not appear at the pretrial hearing regarding the paternity matter, and as a result, a Default was entered against Petitioner and Notice of the hearing regarding same was mailed to Petitioner at his home address. On September 19, 1988, Petitioner failed to appear at the Hearing regarding the Default and thereafter, a Default Judgment and Order of Filiation were entered against him upon the Referee's finding that Petitioner had been served with Notice of the Hearing.

After the Order of Filiation was entered against Petitioner, a child support payment book was mailed to Petitioner at the same address that the complaint and Notice of Hearing regarding the Default had been mailed. Upon receipt of the child support payment booklet, Petitioner appeared before Respondents, advised Respondents that his name had been misspelled on the child support documents and claimed that he was not the father of Ms. Johnson's child. Based on Petitioner's representations, the matter was

set for a Show Cause Hearing on January 4, 1989, after which Petitioner was ordered to pay child support.

On April 20, 1989, Petitioner filed a Motion to Quash Service of Process and to Set Aside the Default Judgment against him alleging therein that he had not been served with Ms. Johnson's paternity complaint and that he was not the father of her child. After a hearing on Petitioner's Motion, the Referee ordered Petitioner and Ms. Johnson to submit to a blood test in order to determine paternity. The blood test revealed that the probability of paternity was **99.98%** and accordingly, Petitioner's pending Motion was denied. Petitioner then sought de novo review in circuit court regarding the denial of his Motion, and after a hearing, the Referee's ruling was affirmed.

Petitioner then appealed the circuit court's decision to the Michigan Court of Appeals. In his appeal, Petitioner claimed that Respondents violated his Fifth and Fourteenth Amendment rights by denying him the opportunity to be heard at the paternity hearing and the hearing on his Motion to Set Aside the Default Judgment. Petitioner also alleged that he had not been served with process with regard to Ms. Johnson's paternity action against him and that he was not the father of Ms. Johnson's child.

On May 16, 1991, the Court of Appeals of Michigan affirmed the judgment of the circuit court with regard to Petitioner's Motion upon its finding that Petitioner had not met his burden of proving that he had not been served with process regarding the paternity action. Petitioner thereafter filed an Application for Leave to Appeal and a subsequent Motion for Reconsideration of his Application for Leave to Appeal to the Michigan Supreme Court regarding the appeals court's decision, but both were denied. Petitioner next filed a Petition for Writ of Certiorari in this Court seeking Review of the Michigan appeal court's decision, and his Petition was denied. Petitioner's subsequent Petition for an Extraordinary Writ in this Court, was also denied.

Having exhausted his appeals regarding the matter, Petitioner thereupon filed a Motion for Relief from the Default Judgment in Michigan State Circuit Court in 1993. At the hearing on his Motion, Petitioner argued that he had not been served with Ms. Johnson's paternity complaint in 1988 because Ms. Johnson had stolen his mail in 1991, and that he had new evidence which proved that he was working at the time that the process server claimed he was served with her complaint. Thereafter, the court denied Petitioner's Motion upon its finding that the issue of whether Petitioner had been served with Ms. Johnson's complaint had been decided in earlier proceedings, and that Petitioner could have presented his "new evidence" regarding his alleged non-service of the paternity complaint during the earlier hearings. Finally, the court rejected Petitioner's allegation of fraud and mail theft against Ms. Johnson after concluding that Ms. Johnson's alleged mail theft, which supposedly occurred after the entry of the Default Judgment against Petitioner, could not support Petitioner's request for relief from the Default. Petitioner then filed a second appeal to the Michigan Court of Appeals.

On appeal, Petitioner argued that he had been denied due process under the Fourteenth Amendment to the Constitution because he had not received notice of Ms. Johnson's paternity complaint. Thereafter, the appeals court affirmed the lower court's decision and Petitioner then sought Leave to Appeal to the Michigan Supreme Court which denied Petitioner's request for Leave and his subsequent motion for Reconsideration regarding same. Petitioner then filed a Petition for Writ of Certiorari with this Court, which was denied. A subsequent Petition for Rehearing in this Court was also denied on February 18, 1997.

After exhausting his appeals a second time, Petitioner, proceeding *pro se*, sued Respondents, Ms. Johnson and the United States Postal Service ("USPC") in

federal court on March 2, 1998. In his Complaint, Petitioner alleged that Respondents were liable to him because of their alleged complicity with regard to the entry of the Default Judgment and Order of Filiation against him as follows:

> XII
>
> Defendant, Wayne Circuit Court and the Friend of Court entered the conspiracy by its concurrence and agreement with the action of Defendant Merll Johnson to deny Plaintiff his due process rights and invade his property interest by its continuance (sic) denial of Plaintiff's right to a meaningful hearing on the paternity issue, in spite of evidence in possession of Plaintiff showing Defendant's Merll Johnson (sic) pattern for circumventing such hearings.
>
> * * * * *
>
> The defendant(s), Wayne Circuit Court and Friend of Court have deprived the Plaintiff of both substantive and procedural due process in the following particulars:
>
> a) The initial invasion of his property rights occurred at a proceeding dated January 10, 1989, wherein he was without proper notice but was required to comply or face the threat of being jailed.
>
> b) In spite of Plaintiff's efforts to show the Court by irrefutable evidence that he could not have been present to receive notice of filiation order, plaintiff has been denied opportunity to present same.

c) More importantly, Plaintiff was without notice of the initial complaint of Paternity and has been denied a meaningful hearing since the Judgment of Default and Order of Filiation requiring $85.00 per week payment to minor child had been entered on September 19, 1988.

d) The action of the Defendants have resulted in the continuous invasion/deduction of the Plaintiff's property interests in the form of wages . . . .

* * * * *

XIX

Wherefore, Plaintiff prays that the court enter a judgment:

* * * * *

2. That Defendant(s) Wayne County Circuit Court and Friend of Court be enjoined and restrained from deducting from Plaintiff's wages express sums of money according to [the] wage filiation order, until the instant matter has been completely dispensed with. (Petitioner's Complaint at pp. 5-6).

In response to Petitioner's Complaint, Respondents filed a Motion for Summary Judgment seeking to dismiss Petitioner's lawsuit and the USPS also filed a Motion to Dismiss the Complaint. After a hearing, the district court granted Respondents' Motion for Summary Judgment after finding that Petitioner's claims were barred by the doctrine of res judicata. The district court also granted the USPS' Motion to Dismiss and dismissed the claims against Ms. Johnson *sua sponte* on res judicata grounds.

After Petitioner's Complaint was dismissed, he appealed to the United States Court of Appeals for the Sixth

Circuit, which affirmed the decision of the district court. In so affirming, the appeals court found that Petitioner's Complaint was barred by the Rooker-Feldman doctrine, which prohibits lower federal courts from reviewing or revising a judgment of a State's highest court. Petitioner then timely filed the instant Petition.

Based upon the record in this case, it is clear that Petitioner's claims against Respondent lack merit and that the State court has already decided these claims. Accordingly, for the reasons discussed below, the Petition for Writ of Certiorari in this case should be denied.

II. SUMMARY OF THE ARGUMENT

The Petition for a Writ of Certiorari in this case should be denied because Petitioner's Complaint in federal court sought review and modification of the judgment of the highest Court in the State of Michigan, which is prohibited by the Rooker-Feldman doctrine. *See*, District of Columbia Court of Appeals v. Feldman et al, 460 U.S. 462; 103 S. Ct. 1303; 75 L. Ed. 2d 206 (1983) and Rooker et al., v. Fidelity Trust Co. et al., 263 U.S. 413; 44 S. Ct. 149; 68 L. Ed. 2d 362 (1923). In addition, the instant Petition should also be denied because the doctrine of res judicata bars Petitioner from asserting claims that have been raised and/or that could have been raised and decided in the earlier State court proceeding. *See e.g.* Migra v. Warren City School Dist., 465 U.S. 75; 104 S. Ct. 892; 79 L. Ed. 2d. 56 (1984).

III. ARGUMENT

A. Standard of Review.

Rule 10 of this Court provides:

Rule 10. Considerations Governing Review on Writ of Certiorari

Review on a writ of certiorari is not a matter of right but of judicial discretion. A petition for a writ of certiorari will be granted only when there are compelling reasons therefor. The following, while n[ot] controlling . . ., indicate the character of reasons that will be considered: A United States court of appeals has rendered a decision in conflict with the decision of another United States court of appeals; or has decided a federal question in a way that conflicts with a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such departure by a lower court, as to call for an exercise of this Court's power of supervision;

* * * * *

A ... United States Court of Appeals has decided an important question of federal law that has not been, but should be settled by this Court, or has decided a federal question in a way that conflicts with applicable decisions of this Court.

In this case, none of the considerations for granting a Petition for Writ of Certiorari set out in Rule 10 are present. Accordingly, the Petition in the case at bar should be denied.

B. The Petition In This Case Should Be Denied Because The District Court Did Not Have The Authority To Review Or Modify The Decision Of The Highest Court In The State Of Michigan, Or Claims Inextricably Intertwined Therewith, As Requested By Petitioner's Complaint And Accordingly, Petitioner's Complaint Was Properly Dismissed.

1. The District Court Did Not Have The Authority To Review Or Modify The Judgment Of The State Court Of Michigan.

Petitioner's Complaint, which sought review of the decision of the highest court in Michigan regarding the Default Judgment and Order of Filiation against him, was prohibited by the Rooker-Feldman doctrine and was properly dismissed. In District of Columbia Court of Appeals v. Feldman et al., 460 U.S. 462; 103 S. Ct. 1303; 75 L. Ed. 2d 206 (1983), this court set out the rule in this regard as follows. There, Marc Feldman and Edward Hickey were denied admission to the District of Columbia ("DC") bar because they had not graduated from approved law schools as required by DC bar admissions rules. Feldman and Hickey appealed the denial of their admission applications to the District of Columbia of Appeals, which upheld the denials. Feldman and Hickey then filed lawsuits in federal courts claiming that the DC bar rules were unconstitutional and in both cases, the district courts found that they did not have subject matter jurisdiction over the complaints. Feldman and Hickey appealed the decisions of the district courts to the United States Court of Appeals for the District of Columbia Circuit, which reversed the district courts rulings after finding that proceedings concerning Feldman's and Hickey's petition for waiver were not judicial in nature.

The District of Columbia thereafter filed a Petition for Writ of Certiorari, which was granted by this Court.

On this record, this Court first found that the proceedings before the District of Columbia Court of Appeals were indeed judicial in nature:

> [T]he proceedings in the District of Columbia Court of Appeals surrounding Feldman's and Hickey's petitions for waiver were judicial in nature. . . . The District of Columbia Court of Appeals did not 'loo[k] to the future and chang[e] existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power.' (citation omitted) . . . Instead, the proceedings before the District of Columbia Court of Appeals involved a 'judicial inquiry' in which the court was called upon to investigate, declare, and enforce 'liabilities as they [stood] on present or past facts and under laws supposed already to exist' Prentis v. Atlantic Coast Line, 211 U.S., at 226; 29 S. Ct. at 69. Id. at 479.

This Court then held that the federal district court did not have the authority to review the decision of the highest court of the District of Columbia after finding that:

> [I]t is clear that the[] allegations that the District of Columbia Court of Appeals acted arbitrarily and capriciously in denying their petitions for waiver and that the court acted unreasonably and discriminatorily in denying their petitions in view of its former policy of granting waivers to graduates of unaccredited law schools, *see*, note 3, *supra*, required the

> District Court to review a final judicial decision of the highest court of a jurisdiction in a particular case. These allegations are inextricably intertwined with the District of Columbia Court of Appeals' decisions, in judicial proceedings, to deny the respondents' petitions. The District Court, therefore, does not have jurisdiction over these elements of the respondents' complaints. Id. at 486-487.

The Feldman decision was consistent with this Court's holding in Rooker v. Fidelity Trust Co et al., 263 U.S. 413; 44 S. Ct. 149; 68 L. Ed. 2d 362 (1923). There, the petitioners' complaint in federal court sought to have the judgment of the Supreme Court of Indiana overturned on the ground that the appeals court had violated the Contract Clause of the United States Constitution by giving effect to a state statute, instead of a decision of the Supreme Court of Indiana. After reviewing the petitioners' complaint, the district court found that it did not have jurisdiction over the same and dismissed the petitioners' complaint. The petitioners then filed a petition for a writ of certiorari, which was granted by this Court.

On these facts, this Court concurred with the district courts' finding that they did not have jurisdiction over the petitioners' complaints and held that:

> It affirmatively appears from the bill that the judgment was rendered in a cause wherein the circuit court had jurisdiction of both subject-matter and the parties, that a full hearing was had therein, that the judgment was responsive to the issues and that it was affirmed by the Supreme Court of the state on appeal by the plaintiffs. 131 N. E. 769. If the constitutional questions stated in the bill actually arose in

> the cause, it was the province and duty of the state courts to decide them; and their decision, whether right or wrong, was an exercise of jurisdiction. If the decision was wrong, that did not make the judgment void, but merely left it open to reversal or modification in an appropriate and timely appellate proceeding. Unless and until so reversed or modified, it would be an effective and conclusive adjudication. Id. (citations omitted). Under the legislation of Congress, no court of the United States other than this court could entertain a proceeding to reverse or modify the judgment for errors of that character. (citation omitted). To do so would be an exercise of appellate jurisdiction. The jurisdiction possessed by the District Courts is strictly original. Id. at 416. (emphasis added).
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> A reading of the entire bill shows indubitably that there was full jurisdiction in the state court and that the bill at best is merely an attempt to get rid of the judgment for alleged errors of law committed in the exercise of that jurisdiction. Id.

Based on Rooker and Feldman, it is clear that the Petition in this case should be denied. Here, Petitioner's Complaint sought review and modification of the decision of the highest court in the State of Michigan. Thus, under Rooker-Feldman, the district court did not have jurisdiction over Petitioner's Complaint. For this reason, the appeals court's dismissal of Petitioner's appeal was correct and the instant Petition should be denied.

2. The Petition For Writ Of Certiorari Should Also Be Denied Because The District Court Did Not Have Jurisdiction Over Petitioner's Complaint Which Alleged Claims That Were Inextricably Intertwined With The State Court Proceedings Against Him.

In his Petition, Petitioner claims that the allegation in his Complaint in federal court were not raised in the state court proceedings, because "the subject matter of the instant lawsuit emerged subsequent to the entry of the default involving Defendant Merll Johnson" (Petition at p. 5). Assuming that Petitioner's claim is true, the district court still lacked jurisdiction over Petitioner's case because Rooker-Feldman also prohibits district courts from "entertain[ing] claims [that are] 'inextricably intertwined' with the state court judgment". Feldman, *supra*, 460 U.S. at 483 n. 16; 103 S. Ct. at 1316 n. 16, *see also*, Guess v. Board of Medical Examiners, 967 F. 2d 998, 1002-03 (4th Cir. 1992). This issue was discussed by the appeals court in Ritter v. Ross et al, 992 F. 2d 750, 753 (7th Cir. 1993). There, the plaintiffs/landowners received notice that they owed property taxes, but they failed to pay the back taxes. The defendants then commenced proceedings to foreclose on the tax lien against the plaintiffs and sent the plaintiffs notice in this regard. The plaintiffs did not respond to the defendant's notice and as a result, their property was sold. Thereafter, the plaintiffs sued the defendants in federal court claiming they had been deprived of their property without due process and that their property had been taken without just compensation. In response to the plaintiffs' lawsuit, the defendants filed a motion to dismiss, which the court granted. The plaintiffs then appealed.

On appeal, the court affirmed the dismissal of the plaintiffs' complaint after finding that:

> Before this court the Ritters admit that but for the tax lien foreclosure judgment in Rock County Circuit Court they would have no complaint; they would still have their land and would have suffered no injury. The state court proceedings, as the Plaintiffs themselves state, 'are the subject of this case'. Appellants' Reply Br at 5. The Ritters like the plaintiff in Rooker, are essentially seeking a federal district court appellate review of a state judicial proceeding; their claims against Defendants are inextricably intertwined with the merits of that proceeding. As in Rooker, the lower federal courts have no jurisdiction over this complaint. *See* Leaf v. Supreme Court of Wisconsin, 979 F. 2d 589, 598 (7th Cir. 1992); *see also* Guess, 967 F. 2d at 1103-04 ('A plaintiff may not relitigate in federal court a particularized challenge to an adjudication against him in state court.') Id. at 754. (emphasis added).

In the case at bar, but for the paternity action, the Default Judgment and Order of Filiation and the requirement that Petitioner make child support payments, Petitioner would not have suffered any injury. Accordingly, the state proceedings involving the paternity action against Petitioner are inextricably intertwined with Petitioner's complaint in federal court and the instant Petition should be denied.

C. The Petition For Writ Of Certiorari Should Be Denied For the Additional Reason That Res Judicata Bars The District Court From Hearing A Matter, Which Has Already Been Raised, Or Could Have Been Raised In An Earlier Proceeding, Involving The Same Parties, Which Resulted In A Judgment On The Merits.

Even if Petitioner's lawsuit is not barred by the Rooker-Feldman doctrine, it would still be barred on res judicata grounds. This rule was noted in the Memorandum Opinion and Order of the District Court as follows:

> The res judicata effect of state court judgments in federal court is governed by 28 U.S.C. § 1738, which requires the federal court to look to state [ ] law of res judicata. 'It is now well settled that a Federal Court must give to a State Court Judgment the same preclusive effect as would be given that judgment under the law of the state in which the judgment was rendered'. Migra v. Warren City School Dist., 463 U.S. 75, 81; 104 S. Ct. 892, 896; 79 L.Ed 2d 56 (1984).
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> *****
>
> Under Michigan law, the doctrine of res judicata precludes collateral attack if: (1) the prior action was decided on the merits; (2) the issues raised in the second case either were resolved in the first, or through the exercise of reasonable diligence might have been raised and resolved in the first case; and (3) both actions involve the same parties or their privies. Reithmiller v. Blue Cross & Blue Shield of Michigan, 824 F. 2d 510 (6th Cir. 1987).

These elements are met in this case. There have been at least nine hearings regarding the circumstances surrounding the Default Judgment and Filiation Order entered against the Plaintiff, all of which upheld the Circuit Court's Entry of Default Judgment. The Plaintiff has pursued this case in all state courts of Michigan as well as the United States Supreme Court. Contrary to the Plaintiff's arguments, the doctrine of res judicata applied to default judgments and consent judgments as well as the judgment derived from contested trials. Plaintiff has had full opportunity to litigate the merits of this case, including the filiation and child support issues, before the Wayne County Circuit Court. Matter of Estate of Cook, 155 Mich. App. 604, 609; 400 N.W. 2d 695, 697 (1986).

The issue of the Plaintiff's paternity, the theft of the Plaintiff's mail, fraud and non-service, were raised and fully argued in the state court proceedings. The factual circumstances surrounding the Plaintiff's allegations in the instant Complaint, were the same facts alleged in the state court proceedings. The Michigan courts' decisions consistently rejected Plaintiff's claim.

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Therefore, the Plaintiff's Complaint against Defendants Wayne County Circuit Court and Wayne Count Friend of the Court is barred by res judicata and must be dismissed. (Appendix A).

On the basis of Petitioner's Complaint in federal court, it is obvious that the district court correctly concluded that Petitioner's lawsuit was barred by res judicata. In this regard, Petitioner's Complaint provides that Respondents "den[ied] [his] rights to a meaningful hearing on the paternity issue" and that Respondents' "invasion of his property rights occurred at a proceeding dated January 10, 1989." The Complaint further provides that "the actions of [Respondents] have resulted in the continuous invasion/deduction of [his] property interest in the form of wages" and requests that Respondents be "restrained from deducting from Plaintiff's wages express sums of money according to [the] wage and filiation order." These claims were already heard and decided during the nine court hearings regarding the paternity action against Petitioner. Accordingly, res judicata bars Petitioner from re-litigating these claims in federal court.

In his Petition, Petitioner argues that the doctrine of res judicata does not preclude him from suing Respondents in federal court for two reasons. First, because Ms. Johnson's alleged mail theft occurred after the State courts had already entered the Default Judgment and Order of Filiation against him and therefore the second element of res judicata has not been met. i.e., precluding him from bringing any claim that could have been brought in the first action. Second, that because the state court proceedings were all decided on state law grounds rather than federal or constitutional law grounds, his claims that are based on federal law are not barred.

However, Petitioner's arguments regarding res judicata are lacking in factual and legal merit, and must be rejected on those grounds. In this regard, Petitioner's claim that the state court could not have decided the issue regarding Ms. Johnson's alleged theft of his mail lacks factual support because Petitioner raised this issue during the 1993 hearing on his Motion for Relief from the Default

Judgment. At that hearing, the state court judge found that Ms. Johnson's alleged mail theft could not form the basis for overturning the Default Judgment against Petitioner because the Default Judgment was entered before the alleged mail theft by Ms. Johnson had ever occurred. Further, Petitioner's claim that res judicata does not bar the federal court from deciding his lawsuit because "a finding in a matter on state grounds solely [does not have] preclusive effect to that same matter grounded in a constitutional issue or federal question" lacks factual and legal support and must also be rejected. In this regard, in Leaf v. Supreme Court of the State of Wisconsin, 979 F. 2d 589 (7th Cir. 1992), the appeals court held:

> [A] litigant who either fails to raise [his] constitutional claims in [ ] state court or has those claims rejected, may be barred by res judicata from attempting to relitigate those claims in federal.
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> This conclusion finds ample support. In Feldman, the Supreme Court 'expressly' declined to reach the question whether res judicata foreclosed litigation on Feldman's claims. Feldman, 460 U.S. at 487-88; 103 S. Ct. at 1317-18. In a footnote, however, the Court noted, 'By failing to raise [his constitutional] claims in state court a plaintiff may forfeit his right to obtain review of the state-court decision in any federal court' Id. at 484 n. 16; 103 S. Ct. at 1315 n. 16. The Court supported this statement by noting that: 1) State courts are competent to adjudicate federal constitutional claims; 2) A state court should have The first opportunity to consider the constitutionality of a state statute or rule

so that it may give the statute a saving construction ... Id. at 600.

Here, Petitioner raised the same constitutional issues regarding the entry of the Default Judgment and Filiation Order in federal court that he had raised during his appeals before the Michigan State courts and each time his constitutional claims were rejected. Nevertheless, even if Petitioner had not raised the constitutional arguments during the state court proceedings against him, res judicata would bar him from re-litigating his constitutional claims in federal court because those claims could have been brought in the state court actions. Thus, the instant Petition should be denied.

IV. CONCLUSION

For the foregoing reasons, Respondents Wayne County Circuit Court and Wayne County Friend of the Court respectively request that the Petition for Writ of Certiorari in this case be denied.

Respectfully submitted,
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